

**From:** Rodgers, James  
**To:** Mackenzie Pensyl; Roman, Michael; Cohen, Harry; Werner, Rachel; Johnson, Dawn; Alonzo, Jennifer; Vega, Joslin; Murphy, Siobhan  
**Cc:** James Chapman; W. Ryan Snow; Mark Nanavati; Zach Jett; Christopher Jones; Tressa Lucas; Mariah Adickes; Rodgers, James  
**Subject:** RE: [External] In re Coeymans Marine Towing, et al. - Daily Log Production [CC-US.60032.10679176.FID4210633]  
**Date:** Monday, June 23, 2025 8:14:34 PM  
**Attachments:** [image002.png](#)  
[image007.png](#)  
[image009.png](#)  
[image005.png](#)  
[image006.png](#)

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Dear Ms. Pensyl,

I am not sure what deficiencies you are suggesting in your letter. But without any basis you are asserting that Carver is not in compliance with the Court Order. If entries do not exist in the electronic log, then they do not exist. As you know from Josef Malik's Declaration, the electronic logs were retrieved directly by TBS/Helm Connect. Entries have not been "omitted" in the production of the documents, and such an assertion by you and/or your firm, without any basis, is highly improper.

Under Rule 11, I am obligated to put you on notice that any misrepresentation to the Court by you or by members of your firm are subject to sanctions. Please withdraw these baseless allegations immediately.

As to portions of documents that you claim were "cut off" in the copying process, we will endeavor to produce full copies, assuming they were cut off in the production process.

Finally, we have not located a written or "rough" log for July 25, 2024-September 15, 2024.

Regards,  
Jim Rodgers

James Rodgers  
Senior Counsel | Clyde & Co US LLP  
Direct Dial: [+1 212 702 6771](#) | Mobile: [+1 646 853 4277](#)

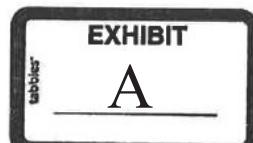
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**From:** Mackenzie Pensyl <[mpensyl@cwm-law.com](mailto:mpensyl@cwm-law.com)>  
**Sent:** Monday, June 23, 2025 6:53 PM  
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<Joslin.vega@clydeco.us>; Murphy, Siobhan <Siobhan.Murphy@clydeco.us>

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**Subject:** In re Coeymans Marine Towing, et al. - Daily Log Production

Good afternoon,

Please see the attached correspondence in the above captioned matter.

Thank you,

Mackenzie

**Mackenzie R. Pensyl, Esquire**

**CRENSHAW, WARE & MARTIN, P.L.C.**

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MACKENZIE R. PENSYL  
EMAIL: mpensyl@cwm-law.com

June 23, 2025

**VIA ELECTRONIC MAIL ONLY**

James H. Rodgers, Esq.  
CLYDE & CO US LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, New York 10174  
Email: [james.rodgers@clydeco.us](mailto:james.rodgers@clydeco.us)

Re: COEYMAN'S MARINE TOWING, LLC d/b/a CARVER MARINE TOWING  
as Owner and Operator of M/T MACKENZIE ROSE (IMO No. 8968765), etc.  
United States District Court, Eastern District of Virginia, Case No. 2:24-cv-00490

Dear Mr. Rodgers:

I write regarding the Daily Logs recently produced by Carver marked "1 RFP 16 CARVER TBS HELM CONNECT 000281-000731" and "1 RFP 16 CARVER 001732-1928 Standard Diary," which Carver produced in response to the Court's Order on the Belt Line's motion to compel the production of logs (smooth and rough) for the period January 1-September 15, 2024.

In reviewing these logs, we find that the entries for February 28, April 1, May 3 are markedly different from the Daily Logs having the same dates that Carver previously produced marked CARVER 000025-000032. Specifically, the entries for the "9.2 NEAR MISS" reports on these dates (and other entries) are missing from the newly produced logs. In fact, we find no entries of "9.2 NEAR MISS" reports in these newly produced smooth logs, leading us to conclude that the newly produced logs are incomplete.

Additionally, only the rough logs from January 1 through July 24, 2024 were produced in the documents labeled "1 RFP 16 CARVER 001732-1928 Standard Diary." The remaining logs for July 24 through September 15, 2024 were not produced. And again, the rough log pages show entries that are not included in the electronic versions from the same date, leading us to conclude that the electronic versions are incomplete.

For example, the rough log for March 31, 2024 indicates "steering issues ongoing" and a "group email to upper management about steering issues." The rough log for April 8, 2024 states that the "Auto Pilot kicked into standby hard right." The rough log for May 8, 2024 details further work on the steering system and other tug repairs. Yet, these entries are not included in the produced smooth logs. Further, the rough log for May 12, 2024 at 22:30 states "see electronic

James H. Rodgers, Esq.

June 23, 2025

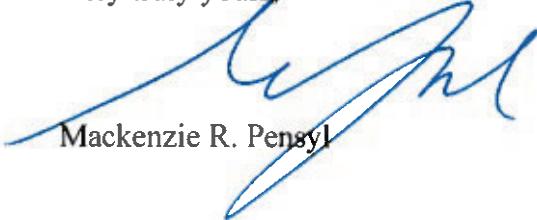
Page 2

entry" but no corresponding entry exists, only an entry that matches the rough log entry for 23:30. See CARVER 001822, CARVER 001830, CARVER 001860, and CARVER 001864, copies of which are attached. Such information is highly relevant but omitted from these logs. This is another breach of the Court's Order.

Finally, some pages in the smooth log appear to be cut off at the bottom, e.g., 1 RFP 16 CARVER TBS HELM CONNECT 000425, and others lack any entries at all, e.g., 1 RFP 16 CARVER TBS HELM CONNECT 000464.

We request immediate production of the complete Daily Logs covering January 1-September 15, 2024, and reserve our rights regarding Carver's non-compliance with the Court's Order.

Very truly yours,



Mackenzie R. Pensyl

MRP/clm

Enclosures

cc: James L. Chapman, IV, Esq.  
W. Ryan Snow, Esq.  
Michael Roman, Esq.  
Harold L. Cohen, Esq.  
Rachel Werner, Esq.  
Dawn Johnson, Esq.  
Siobhan Murphy, Esq.

OW

2024 91st day - 275 days follow  
Easter

SUNDAY **31** MARCH

XTS 0005 - NW near Berkley - steering issues ongoing  
T

2024 0600 - Group e-mail to ~~upper~~ Management about steering  
0700 - 34° 45.0N 75° 56.7W  
0900 34° 38.6N 76° 07.6W 20° 25' SEAS 5-7, (clear 5.2 kts (SC 2483)  
2200 33° 51.6N 77° 05.1W 20° 25' SEAS 5-6' clear, 5.6 kts (SC 2657)

C. Miller

D. DiPietro B. Kuster

J. McGrath

S. Porter

N. Coffee

follow

2024 99th day - 267 days follow

MONDAY **8** APRIL

0001 U/W YNOT 8 TN TOW BOVND FOR NY  
14 0100 35°53.9'N 075°29.6'W, 6.2 kts, 349°, SEA 1-2, 5-10 wind NW  
225kts NB 0300 36°06.6'N 075°35.7'W 6.5 kts, 351°, SEA 1-2, NW 10 kts  
020-25 N 0500 36°19.2'N 075°41.1'W 7.2 kts, 356°, SEA 2-3, NW 10 kts  
OVER Comp. 0530 CHANGE OF WATCH TURNOVER COMPLETE/E. WALORDY RND BY C. MILLER  
0615 Auto Pilot Kicked into Standby Hard Right  
0930 - 36°47.3'N 75°51.3'W Speed 7 kts CSE 2-6 LT wind & SEAS  
1030 36°52.8'N 75°49.6'W Speed 6 kts CSE 32°T SW 5/20 4' SEAS  
1130 WATCH CHANGE (GENERAL ALARMS TESTED) SAT-  
1140 Shortened tow to 2 layers out.  
15-20 wind 1300 37°06.3'N 075°42.7'W, 038° CSE, 6.0 kts LT WIND/SEAS  
20-25 1500 37°16.8'N, 075°35.6'W, 037° CSE, 5.7 kts, SEAS 1-2 NE, 5-10 SW  
Comp. 1700 37°26.1'N 075°29.2'W, 049° CSE, 6.4 kts, SEAS/WIND LT  
1730 WATCH CHANGE E. WALORDY RECEIVED BY C. MILLER  
1800 37°37.8'N 75°20.0'W Speed 6.2 SEAS (LT motion)  
1900 37°47.8'N 75°12.1'W " 6.0 kts SEAS (LT motion) 42°T  
2230 37°55.3'N 75°06.4'W 6.2 kts SEAS 3-4 SSE 15/18 42°T  
2330 Watch change turnover complete - see helm notes

C. Miller

E. Walordy

R. Nantista

J. Hooge

C. Compagni

A. Muniz

follow

2024 129th day - 237 days follow

WEDNESDAY

8

MAY

0001 WYNOT 2 BOVND FOR NORFOLK

0100 36°45'.0'N 075°48.8'W 5.7kts 353T

0300 36°54'N 075°55.8'W 5.8kts 311T

0500 36°59.8'N 076°11.9'W 7.1kts 296T

0830 WATCH TURNOVER COMP MILLER RELIEVES WARDY

0830

Coastal trader on station

0900 Flag Round up into Push Gear Anchorage K-1

0930 Release Coastal trader All Fast T Pier Norfolk

1000

Shut Down Mains, work on Steering system

1130 Watch Change E Wardy Relieves C. Miller

1200 Day work tug repairs continue

1800 Done with tug repairs for today

2000 - Standby paperwork

2330 E Wardy Relieves C. Miller watch turnover complete

SEAS

Miller

C. Miller

E. Wardy

A. O'Farke

C. Campanelli

D. Hodges

J. Morrissey

TFOB 34,446.0 06000

L/O 482

C/O 167

H/O 483

Potable H2O 4900

2024 133rd day - 233 days follow  
Mother's Day

SUNDAY **12** MAY

0001 V/W YN02 BOUMB FOR BALTIMORE  
2's 0100 38°28.8'N 076°24.0'W 7.2 kts 333°  
0300 38°39.3'N 076°26.7'W 7.2 kts 000°T  
0500 THOMAS POINT SHOAL T. 5.8 kts 004°T  
0530 MILLER RELIEVES WALORDY —  
0730 39°08.10'N 76°24.4'W 6.2 kts (SE 327°T VAR 5 ft chop)  
1-2' 0900 Scott Key bridge Ivory Coast on station  
3' 0930 1st line up @ LaPorte  
complete 1010 All fast @ LaPorte Cabin Branch Ferry pt.  
1015 Release Ivory Coast.  
1045 4L w/ NY  
11:30 Watch change E Warlordy Relieves C. Miller  
complete 1300 GRN II Buoy TOLCHESTER CHANNEL 6.5 kts @ 040°T NR TSTORMS  
1500 WORTON PT. 6.5 kts @ 045°W SCATTERD TSTORMS  
re 1700 ARNOLD PT 6.7 kts @ 042°T Wx LT VAR  
2' chop 1715 GENERAL ALARM WEEKLY TEST  
1730 CHRIS MILLER RELIEVES ERIK WALORDY  
1740 St Georges RR Bridge CnD Canal Lt wind ripple  
2100 39°28.6'N 75°29.4'W CSE 149°T S 9.2 kts SE 20, 2' chop  
1800 2230 See electronic entry  
2330 Watch Turner complete

10 C. Miller  
E. Warlordy  
A. O'Rourke  
C. Campanelli  
J. Morrissey  
J. Hogge

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